

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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JUAN MARTINEZ RIVAS

*Plaintiff,*

**Civil Action No.: 23-cv-5371**

-against-

ARIEL AUTO COLLISION CORP. and  
RODSHEL KHAIMOV

*Defendants*

**AFFIRMATION OF COLIN  
MULHOLLAND, ESQ.**

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Colin Mulholland, Esq., an attorney duly admitted to practice in New York and in this court, declares on penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am the attorney for Plaintiff in this lawsuit for unpaid wages under the FLSA and New York Labor Law and regulations.

2. I submit this affirmation in support of the Plaintiff's application for certificates of default pursuant to F.R.C.P. 55(a) and Local Rule 55.1, against the Defendants ARIEL AUTO COLLISION CORP. and RODSHEL KHAIMOV, for failure to respond to the complaint or otherwise appear in this action.

3. The complaint in this action was filed July 14, 2023. See Docket No. 1.

4. A summons and copy of the Complaint were properly served on Defendant ARIEL AUTO COLLISION CORP. on September 22, 2023, by serving the Secretary of State; and proof of such service on the said Defendant was filed on October 9, 2023 (Dkt. No. 5).

5. A summons and copy of the Complaint were properly served on Defendant RODSHEL KHAIMOV on September 26, 2023, by serving him personally; and proof of such service on the said Defendant was filed on October 9, 2023 (Dkt. No. 5).

6.

7. On information and belief, Defendant ARIEL AUTO COLLISION CORP, being a domestic corporation organized and existing under the laws of the State of New York, and Defendant RODSHEL KHAIMOV are not infants, nor in the military, nor incompetent persons.

8. Defendants' time to respond to the complaint has long expired.

9. Said Defendants have failed to appear, plead, or otherwise defend the action. However, Defendant RODSHEL KHAIMOV did contact the undersigned by phone on three or so occasions but has not made an appearance in the action despite his awareness of the action.

10. Wherefore, Plaintiff respectfully requests that the Court enter a certificate of default against Defendant RODSHEL KHAIMOV and ARIEL AUTO COLLISION CORP.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Astoria, New York  
February 9, 2024

/s/ Colin Mulholland, Esq.  
Colin Mulholland, Esq.  
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*Attorneys for Plaintiff*